



ENTERED
01/08/2016

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

IN RE:
JOSEPH ANDREW SMITH
Debtor(s)

§
§
§
§

CASE NO: 14-70501

CHAPTER 7


ORDER STRIKING
CREDITOR'S MOTION TO DISMISS CASE FOR OTHER CAUSE

[Resolving ECF No. 58]

1. On October 14, 2015, Creditor Lacks Valley Stores, Ltd. filed a Motion to voluntarily dismiss its adversary complaint. [Case No. 14-70501; ECF No. 58]. However, substantially the same Motion to Dismiss has been filed by Lacks in both the main bankruptcy case and the adversary proceeding.
2. As these two Motions are duplicative in their requests, and as this Court has entered an Order Dismissing the adversary on December 23, 2015 pursuant to the Motion to Dismiss filed in the adversary, [Case No. 15-07005; ECF No. 48], it is improper for a Motion to Dismiss to be pending in the main bankruptcy case. It is therefore:

ORDERED that the Motion to Dismiss filed in the main bankruptcy case, Case No. 14-70501; ECF No. 58, be **STRICKEN** and the adversary proceeding 15-7005 closed.

SIGNED 01/08/2016.



Eduardo V. Rodriguez
United States Bankruptcy Judge